

BILL NO. G-70-12-18 (Amended)

GENERAL ORDINANCE NO. G-106-71

AN ORDINANCE amending Chapter 26 (Sewers and Sewerage System) of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby revised and amended to read as follows:

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FORT WAYNE MUNICIPAL CODE
CHAPTER 26
SEWERS AND SEWERAGE SYSTEM

Article I. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Board of Public Works to implement the provisions of this ordinance shall be as follows:

101. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see 125).
102. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
103. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
104. "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
105. "City" shall mean the City of Fort Wayne, Indiana, or any duly authorized officials acting in its behalf.
106. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

107. "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
108. "Ground Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
109. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in 112.
110. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
111. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
112. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
113. "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
114. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
115. "Residential Property Unit" shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
116. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
117. "Service Charge" shall mean the basic assessment (based on water usage) levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a strength-of-wastes surcharge will be made.

118. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
119. "Sewage Treatment Plant", or "Water Pollution Control Plant", shall mean the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
120. "Sewage Utility", or "Water Pollution Control Utility," shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.
121. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 121.1. "Combined Sewer" shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.
- 121.2. "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 121.3. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- 121.4. "Storm Sewer" shall mean a sewer which carries storm, surface and ground-water drainage but excludes sewage.
122. "Sewer Engineer" shall mean the Chief Sewer Engineer of the City of Fort Wayne or his duly authorized representative; the term shall be equivalent to the expression "Water Pollution Control Engineer".
123. "Sewerage System" shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.
124. "Shall" is mandatory; "may" is permissible.
125. "Standard Methods" shall mean the examination and analytical

125. "Standard Methods" continued--
procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
126. "Superintendent" shall mean the Superintendent of the Sewage Treatment Plant (or Water Pollution Control Plant) of the City of Fort Wayne or his duly authorized representative.
127. "Surcharge" shall mean a charge for sewerage services in addition to the basic service charge.
- 127.1. "Out-of-City Surcharge" shall mean the extra charges for sewerage service assessed customers situated outside the corporate limits of the City (designated OCS).
- 127.2. "Strength-of-Wastes Surcharge" shall mean the extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Utility a burden greater than that covered by the basic service charge.
128. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
129. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Article II. General Provisions

201. Bylaws, Rules and Regulations. The Board of Public Works of the City of Fort Wayne shall, in accordance with the Statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation, collection and re-funding of the rates and charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.
202. Requirements for Connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.

Tap permits shall be obtained from the City's Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of ten dollars for each tap permit for a normal six-inch service, a fee of twenty dollars for each tap permit for a special six-inch service and a fee of twenty dollars for each tap permit for a service larger than six inches. After making each sewer tap and building sewer installation, the tap contractor shall notify the Sewer Engineer so that the tap and the building sewer can be inspected and approved before the excavation is backfilled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this paragraph 202 have been complied with.

The Board of Public Works shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements.

203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.
204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.
205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of paragraphs 202, 301, 401 through 405, 501 through 503, 602 or 605 shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in any amount not less than \$25.00 and not more than \$100.00. Each day in which any such violation shall continue shall be deemed a separate offense.
- Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
206. Amendment. The City of Fort Wayne reserves the right to amend this chapter of the Municipal Code, including the rates herein established, in part or in whole, as provided and permitted by the Statutes of Indiana, whenever it may deem it necessary.

Article III. Prohibited Industrial Discharges

301. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters.
- 301.1 Any liquid or vapor having a temperature higher than 160 degrees Fahrenheit.
- 301.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 301.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 301.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 301.5 Any garbage that has not been properly ground.
- 301.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 301.7 Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
- 301.8 Any waters or wastes having a pH lower than 6 or higher than 10 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.
- 301.9 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority

- 301.9 Continued--
having jurisdiction. Specifically included are any waters or wastes containing cadmium, chromium, copper, iron, nickel, zinc or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Public Works.
- 301.10 Any cyanides, as CN ions, in excess of one milligram per liter in any wastes discharged into a public sewer.
- 301.11 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- 301.12 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I 131 and P 32 used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- 301.13 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a twenty-four-hour period of normal operation.
- 301.14 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.
302. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer.
303. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by the person.

Article IV. Admissible Industrial Wastes

401. Prior Approval for Certain Wastes. Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:
- 401.1 A BOD greater than 300 milligrams per liter.
 - 401.2 A suspended-solids content greater than 350 milligrams per liter.
 - 401.3 Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the Sewage Utility or to health, whether by themselves or through interacting with other wastes in the public sewers.
402. Pretreatment Facilities. When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.
403. Prior Approval of Pretreatment Facilities. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City, through its Board of Public Works, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired.
404. Operation of Pretreatment Facilities. Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe.

405. Grease and Sand Traps. Whenever the Board of Public Works determines that interceptors or traps are needed to protect the sewerage system or the operations of the Sewage Treatment Plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location and installation.

Article V. Control of Admissible Industrial Wastes

501. Submission of Data on Industrial Wastes. Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, fill out and file with the City within ninety days an Industrial Waste Questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes may be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Board of Public Works upon presentation of a proper application.

502. Control Manholes. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Public Works, upon the recommendation of the Superintendent, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Public Works, upon the recommendation of the Superintendent and the Sewer Engineer, before construction is begun.

503. Waste Sampling. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in

503. Waste Sampling continued--

collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Public Works. Access to sampling facilities shall be granted at all times to the Superintendent or his duly authorized representative.

504. Waste Analyses. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the customer. The City shall make, without charge to the customer, the initial analysis and regular periodic check analyses of the customer's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the City at the request of the customer shall be charged to the customer according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

505. Use of Representative Analyses. Until an adequate analysis of a representative sample of customer's wastes has been obtained, the City may, for the purposes of this ordinance, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the Water Pollution Control Administration of the U.S. Department of the Interior or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article VI. Service Charges Based on Water Usage

601. Water Obtained from the City's Water Utility. The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.
602. Water Obtained from Other Sources. Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the purpose of measuring the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.
603. Exempt Water - General. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 2000 cubic feet per month, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any such case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the size of service installed.

604. Exempt Water-Sprinkling. A residential water consumer shall be billed for sewerage service rendered in the four consecutive monthly billing periods for which the regularly scheduled meter readings are made after June 14 an amount based on such consumer's average water consumption during the two prior months of March and April. Averages resulting in fractions of 100 cubic feet shall be raised to the next whole number of 100 cubic feet. In no case, however, shall the charge be less than the minimum for the meter size installed. A residential water consumer billed for the first time during the sprinkling exemption period shall be billed for sewerage service on the basis of the minimum charge for the meter installed.

The City may allow an exemption for billing periods other than those cited above, provided the consumer demonstrates to the City's satisfaction that his sprinkling load during such period or periods justifies an exemption.

Notwithstanding any of the foregoing provisions, where it is evident that a residential water consumer uses substantially more water for non-sprinkling purposes during the sprinkling period than he does during March and April, he shall not be entitled to the sprinkling exemption but shall be billed on the basis of the water actually used. However, such consumer may, at his own expense and with the City's approval, install a secondary meter or meters on that portion of his water supply system which serves only his sprinkling load so as to measure directly the amount of water that does not enter the public sanitary sewer.

Nothing herein contained shall prevent a residential water consumer from electing to pay for sewerage service on the basis of the water actually used in every month, provided such consumer makes application in writing to pay on this basis for at least one year from the date of the next billing following the date of application.

The provisions of this section shall not apply to any residential water consumer who uses any part of his water for any commercial or industrial purpose.

605. Metering of Sewage. The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installations and no such service, once installed, shall be removed without the City's approval.

Article VII. Service Charges

701. Volume Charges. The water usage schedule upon which charges for service rendered by the Sewage Utility shall be based and the rates and charges based thereon shall be as follows:

<u>Billing Cubic Feet of Water</u>	<u>Rate per</u>
<u>Used per Month</u>	<u>100 Cubic Feet</u>
First 500	\$ 0.30
Next 1,500	.28
Next 2,500	.27
Next 7,500	.26
Next 18,000	.24
Next 20,000	.23
Next 50,000	.22
Next 50,000	.20
Next 150,000	.19
Next 150,000	.18
Over 450,000	.10

702. Minimum Charges. Where the customer is a metered water consumer and has no additional sources of water, he shall pay, regardless of his water usage, at least the appropriate minimum monthly charge as set forth below, which charge shall be based on the size of the water meter installed and for which the customer shall be entitled to the quantity of sewerage service set forth in the water usage schedule in paragraph 701.

<u>Size of Water Meter</u>	<u>Minimum</u>
	<u>Monthly Charge</u>
5/8 inch	\$ 1.50
3/4 inch	2.00
1 inch	3.40
1 1/2 inch	6.75
2 inch	12.00
3 inch	27.00
4 inch	47.25
6 inch	81.00

Where the customer is not a metered water consumer or is a metered water consumer with other sources of water, his minimum monthly charge and the quantity of sewerage service to which he shall be entitled for such charge shall be determined by rules established by the Board of Public Works.

Article VIII. Strength-of-Wastes Surcharge

801. Liability for Surcharge. Each person who discharges industrial wastes into the public sewers shall be subject to a surcharge in addition to the regular sewerage service charge based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:
- a. A biochemical oxygen demand of 300 milligrams per liter; or, where BOD cannot be determined, then, in lieu of BOD, a chemical oxygen demand of 600 milligrams per liter.
 - b. A suspended solids content of 350 milligrams per liter.
802. Computation of Surcharge. The surcharge shall be determined as follows:
- a. The excess pounds of BOD (or COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD) and of the suspended solids respectively in the customer's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803.
803. Rates of Surcharge. The rates of surcharge for each of the aforementioned constituents shall be as follows:
- a. For biochemical oxygen demand (BOD)--- 2.12 cents per pound
 - b. For chemical oxygen demand (COD) where BOD cannot be determined----- 1.06 cents per pound
 - c. For suspended solids----- 1.91 cents per pound

804. Revision of Rates of Surcharge. Prior to May 1 of each year, the General Auditor of the City Utilities shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD and suspended solids from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed.

Article IX. Out-of-City Surcharge

901. Application of Surcharge. Any provisions in this ordinance or in any other ordinance or regulation of the City to the contrary notwithstanding, the charges for sewerage services rendered to customers situated outside the corporate limits of the City of Fort Wayne shall be two hundred percent of the charges which would be made for identical services rendered inside the corporate limits and which are prescribed in Article VII, Service Charges, and in Article VIII, Strength-of-Wastes Surcharges.

Article X. Billing of Service Charges

1001. Billing Period. Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.
1002. Liability for Payment. The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.
1003. First Billings. The rates, charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.
1004. City Subject to Charges. For sewerage service rendered to the City, the City shall be subject to the same rates and charges herein established for other persons or to rates and charges established in harmony herewith.
1005. Consolidation of Accounts. Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings shall be made for the purpose of calculating the sewerage service charge.

Article XI. Delinquent Accounts

1101. How Delinquencies Arise. Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.
1102. Collection Through Shutting Off Water Service. Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.
1103. Collection Through the Tax Duplicate. As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.
1104. Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 1103, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

Article XII. Validity

1201. Repeal of Conflicting Provisions. All the provisions of Chapter 26, entitled "Sewers and Sewerage System," of the Municipal Code of the City of Fort Wayne (1959 Edition) and the provisions of any ordinances and regulations which may be in conflict with this ordinance are hereby repealed as of the date this ordinance takes effect.
1202. Validation Clause. The invalidity of any section, sentence, clause or provision in this ordinance shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given effect without such invalid part or parts.

Article XIII. Effective Dates

1301. General Provisions. Except as set out below in paragraph 1302, the provisions of this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.
1302. Strength-of-Wastes Surcharge Provisions. The provisions of Article VIII, entitled "Strength-of-Wastes Surcharge," shall be in full force and effect from and after the billings for May 1971.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.

.....

Councilman

APPROVED AS TO FORM
AND LEGALITY, _____

CITY ATTORNEY

Read the first time in full and on motion by _____ seconded by _____ and duly adopted, read the second time by title and referred to the (Committee on) _____ (and to the City Plan Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on _____ the _____ day of _____ 196 _____, at _____ o'clock P.M., E.S.T.

Date: _____

Frank G. Bonachoon
City Clerk

Read the third time in full and on motion by Tipton seconded by D. Geake and duly adopted, placed on its passage.

Passed (lost) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	_____	ABSENT	<u>2</u>	to-wit:
Adams	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Dunifon	_____	_____	_____	_____	_____	_____	<u>✓</u>	
Fay	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Geake	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Nuckols	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Robinson	_____	_____	_____	_____	_____	_____	_____	
Rousseau	<u>✓</u>	_____	_____	_____	_____	_____	<u>✓</u>	
Steigerwald	<u>✓</u>	_____	_____	_____	_____	_____	_____	
Tipton	<u>✓</u>	_____	_____	_____	_____	_____	_____	

Date

2-23-71

Frank G. Bonachoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~ (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 2-106-71

on the 23rd day of February, 196 71.

ATTEST:

(SEAL)

Frank G. Bonachoon
City Clerk

Paul Thompson
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 196 71 at the hour of 8:30 o'clock A.M., E.S.T.

Frank G. Bonachoon
City Clerk

Approved and signed by me this 25th day of February, 196 71, at the hour of 10:32 o'clock A.M., E.S.T.

Harold A. Zeis
Mayor

Bill No. G-70-12-18

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
amending Chapter 26 (Sewers and Sewerage System) of the Municipal Code of the City of
Fort Wayne, Indiana, 1946, as amended,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

JACK K. DUNIFON, Chairman

WILLIAM K. GEAKE, Vice-Chairman

THOMAS G. ADAMS

JOHN NUCKOLS

HERBERT G. TIPTON

*Held Council Committee Meeting
1-17-71
Halter
BDD*

Wm K. Leske

*John Richards
Herbert Tipton*

CONCURRED IN

DATE 2-23-71 FUAD G. BONAHOOM, CITY CLERK

BILL NO. G-70-12-18

GENERAL ORDINANCE NO. G- _____

AN ORDINANCE amending Chapter 26 (Sewers and Sewerage System) of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
INDIANA:

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Municipal Code of the City of Fort Wayne, Indiana, 1946, as amended, is hereby revised and amended to read as follows:

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FORT WAYNE MUNICIPAL CODE
CHAPTER 26
SEWERS AND SEWERAGE SYSTEM

Article I. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Board of Public Works to implement the provisions of this ordinance shall be as follows:

101. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see 125).
102. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
103. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
104. "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
105. "City" shall mean the City of Fort Wayne, Indiana, or any duly authorized officials acting in its behalf.
106. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain sewer, receptacle or outlet.

107. "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
108. "Ground Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
109. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource.
110. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
111. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
112. "Person" shall mean any individual, partnership, firm, company, association, society, corporation, institution or group.
113. "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
114. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
115. "Residential Property Unit" shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
116. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
117. "Service Charge" shall mean the basic assessment (based on water usage) levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a strength-of-wastes surcharge will be made.

118. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
119. "Sewage Treatment Plant", or "Water Pollution Control Plant", shall mean the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
120. "Sewage Utility", or "Water Pollution Control Utility," shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.
121. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 121.1. "Combined Sewer" shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.
- 121.2. "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 121.3. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- 121.4. "Storm Sewer" shall mean a sewer which carries storm, surface and ground-water drainage but excludes sewage.
122. "Sewer Engineer" shall mean the Chief Sewer Engineer of the City of Fort Wayne or his duly authorized representative; the term shall be equivalent to the expression "Water Pollution Control Engineer".
123. "Sewerage System" shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.
124. "Shall" is mandatory; "may" is permissible.
125. "Standard Methods" shall mean the examination and analytical

125. "Standard Methods" continued--
procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
126. "Superintendent" shall mean the Superintendent of the Sewage Treatment Plant (or Water Pollution Control Plant) of the City of Fort Wayne or his duly authorized representative.
127. "Surcharge" shall mean a charge for sewerage services in addition to the basic service charge.
- 127.1. "Out-of-City Surcharge" shall mean the extra charges for sewerage service assessed customers situated outside the corporate limits of the City (designated OCS).
- 127.2. "Strength-of-Wastes Surcharge" shall mean the extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Utility a burden greater than that covered by the basic service charge.
128. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
129. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Article II. General Provisions

201. Bylaws, Rules and Regulations. The Board of Public Works of the City of Fort Wayne shall, in accordance with the Statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation, collection and refunding of the rates and charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.
202. Requirements for Connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.

Tap permits shall be obtained from the City's Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of ten dollars for each tap permit for a normal six-inch service, a fee of twenty dollars for each tap permit for a special six-inch service and a fee of twenty dollars for each tap permit for a service larger than six inches. After making each sewer tap and building sewer installation, the tap contractor shall notify the Sewer Engineer so that the tap and the building sewer can be inspected and approved before the excavation is backfilled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this paragraph 202 have been complied with.

The Board of Public Works shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements.

203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.
204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.
205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of paragraphs 202, 301, 401 through 405, 501 through 503, 602 or 605 shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.
- Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in any amount not less than \$25.00 and not more than \$100.00. Each day in which any such violation shall continue shall be deemed a separate offense.
- Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.
206. Amendment. The City of Fort Wayne reserves the right to amend this chapter of the Municipal Code, including the rates herein established, in part or in whole, as provided and permitted by the Statutes of Indiana, whenever it may deem it necessary.

Article III. Prohibited Industrial Discharges

301. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters.

- 301.1. Any liquid or vapor having a temperature higher than 160 degrees Fahrenheit.
- 301.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 301.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 301.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 301.5 Any garbage that has not been properly ground.
- 301.6 Any ashes, cinders, sand, mud, straw, shavings, wood metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 301.7. Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
- 301.8. Any waters or wastes having a pH lower than 6 or higher than 10 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.
- 301.9. Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority

- 301.9 Continued--
having jurisdiction. Specifically included are any waters or wastes containing cadmium, chromium, copper, iron, nickel, zinc or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Public Works.
- 301.10 Any cyanides, as CN ions, in excess of one milligram per liter in any wastes discharged into a public sewer.
- 301.11 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions, whether neutralized or not.
- 301.12 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I ¹³¹ and P ³² used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- 301.13 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a twenty-four-hour period of normal operations.
- 301.14 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.
302. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer.
303. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by the person.

Article IV. Admissible Industrial Wastes.

401. Prior Approval for Certain Wastes. Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:
- 401.1 A BOD greater than 300 milligrams per liter.
 - 401.2 A suspended-solids content greater than 350 milligrams per liter.
 - 401.3 Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the Sewage Utility or to health, whether by themselves or through interacting with other wastes in the public sewers.
402. Pretreatment Facilities. When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point or origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.
403. Prior Approval of Pretreatment Facilities. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City, through its Board of Public Works, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired.
404. Operation of Pretreatment Facilities. Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe.

809. Grease and Sand Traps. Whenever the Board of Public Works determines that interceptors or traps are needed to protect the sewerage system or the operations of the Sewage Treatment Plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location and installation.

Article V. Control of Admissible Industrial Wastes

501. Submission of Data on Industrial Wastes. Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, fill out and file with the City within ninety days an Industrial Waste Questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes may be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Board of Public Works upon presentation of a proper application.

502. Control Manholes. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Public Works, upon the recommendation of the Superintendent, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Public Works, upon the recommendation of the Superintendent and the Sewer Engineer, before construction is begun.
503. Waste Sampling. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in

503. Waste Sampling continued-- collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Public Works. Access to sampling facilities shall be granted at all times to the Superintendent or his duly authorized representative.

504. Waste Analyses. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the customer. The City shall make, without charge to the customer, the initial analysis and regular periodic check analyses of the customer's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the City at the request of the customer shall be charged to the customer according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

505. Use of Representative Analyses. Until an adequate analysis of a representative sample of customer's wastes has been obtained, the City may, for the purposes of this ordinance, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the Water Pollution Control Administration of the U.S. Department of the Interior or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article VI. Service Charges Based on Water Usage

601. Water Obtained from the City's Water Utility. The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.
602. Water Obtained from Other Sources. Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the purpose of measuring the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.
603. Exempt Water - General. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly and where the quantity of water entering the premises averages more than 2000 cubic feet per month, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewerage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any such case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the size of service installed.

604. Exempt Water-Sprinkling. A single-family residential water customer who uses substantial amounts of water for sprinkling shall, upon his written request, be billed for sewerage service rendered in the four consecutive monthly billing periods for which the regularly scheduled meter readings are made after June 14 an amount based on such customer's average water consumption during the two prior months of March and April. Averages resulting in fractions of one hundred cubic feet shall be raised to the next whole number of hundred cubic feet. In no case, however, shall the charge be less than the minimum for the size of service installed.

Each such sprinkling exemption shall go into effect as of the billing period which begins after the customer's request is received, provided that such period is one of the four cited above, and shall remain in effect at least through the current sprinkling season and then through the sprinkling season of each year thereafter, until rescinded by the customer.

The City may allow an exemption for billing periods other than those cited above, provided the customer demonstrates to the City's satisfaction that his sprinkling load in such periods justifies an exemption.

Notwithstanding any of the foregoing provisions, where it is evident that a residential water customer uses substantially more water for non-sprinkling purposes during the sprinkling season than he does during March and April, he shall not be eligible for the sprinkling exemption but shall be billed on the basis of the water actually used. However, such customer may, at his own expense and with the City's approval, install a secondary meter or meters on that portion of his water supply system which serves only his sprinkling load so as to measure directly the amount of water that does not enter the public sewers.

The provisions of this section shall not apply to any customer who uses any part of his water for any commercial or industrial purposes.

605. Metering of Sewage. The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installations and no such device, once installed, shall be removed without the City's approval.

Article VII. Service Charges

701. Volume Charges. The water usage schedule upon which charges for service rendered by the Sewage Utility shall be based and the rates and charges based thereon shall be as follows:

<u>Billing Cubic Feet of Water Used per Month</u>		<u>Rate per 100 Cubic Feet</u>
First	500	\$ 0.30
Next	1,500	.28
Next	2,500	.27
Next	7,500	.26
Next	18,000	.24
Next	20,000	.23
Next	50,000	.22
Next	50,000	.20
Next	150,000	.19
Next	150,000	.18
Over	450,000	.10

702. Minimum Charges. Where the customer is a metered water consumer and has no additional sources of water, he shall pay, regardless of his water usage, at least the appropriate minimum monthly charge as set forth below, which charge shall be based on the size of the water meter installed and for which the customer shall be entitled to the quantity of sewerage service set forth in the water usage schedule in paragraph 701.

<u>Size of Water Meter</u>	<u>Minimum Monthly Charge</u>
5/8 inch	\$ 1.50
3/4 inch	2.00
1 inch	3.40
1½ inch	6.75
2 inch	12.00
3 inch	27.00
4 inch	47.25
6 inch	81.00

Where the customer is not a metered water consumer or is a metered water consumer with other sources of water, his minimum monthly charge and the quantity of sewerage service to which he shall be entitled for such charge shall be determined by rules established by the Board of Public Works.

Article VIII. Strength-of-Wastes Surcharge

801. Liability for Surcharge. Each person who discharges industrial wastes into the public sewers shall be subject to a surcharge in addition to the regular sewerage service charge based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:
- a. A biochemical oxygen demand of 300 milligrams per liter; or, where BOD cannot be determined, then, in lieu of BOD, a chemical oxygen demand of 600 milligrams per liter.
 - b. A suspended solids content of 350 milligrams per liter.
802. Computation of Surcharge. The surcharge shall be determined as follows:
- a. The excess pounds of BOD (or COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD) and of the suspended solids respectively in the customer's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803.
803. Rates of Surcharge. The rates of surcharge for each of the aforementioned constituents shall be as follows:
- a. For biochemical oxygen demand (BOD)--- 2.12 cents per pound
 - b. For chemical oxygen demand (COD) where BOD cannot be determined----- 1.06 cents per pound
 - c. For suspended solids----- 1.91 cents per pound

804. Revision of Rates of Surcharge. Prior to May 1 of each year, the General Auditor of the City Utilities shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD and suspended solids from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed.

Article IX. Out-of-City Surcharge

901. Application of Surcharge. Any provisions in this ordinance or in any other ordinance or regulation of the City to the contrary notwithstanding, the charges for sewerage services rendered to customers situated outside the corporate limits of the City of Fort Wayne shall be two hundred percent of the charges which would be made for identical services rendered inside the corporate limits and which are prescribed in Article VII, Service Charges, and in Article VIII, Strength-of-Wastes Surcharges.

Article X. Billing of Service Charges

1001. Billing Period. Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.
1002. Liability for Payment. The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.
1003. First Billings. The rates, charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.
1004. City Subject to Charges. For sewerage service rendered to the City, the City shall be subject to the same rates and charges herein established for other persons or to rates and charges established in harmony herewith.
1005. Consolidation of Accounts. Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings shall be made for the purpose of calculating the sewerage service charge.

Article XI. Delinquent Accounts

1101. How Delinquencies Arise. Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.
1102. Collection Through Shutting Off Water Service. Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.
1103. Collection Through the Tax Duplicate. As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.
1104. Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 1103, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

Article XII. Validity

1201. Repeal of Conflicting Provisions. All the provisions of Chapter 26, entitled "Sewers and Sewerage System," of the Municipal Code of the City of Fort Wayne (1959 Edition) and the provisions of any ordinances and regulations which may be in conflict with this ordinance are hereby repealed as of the date this ordinance takes effect.
1202. Validation Clause. The invalidity of any section, sentence, clause or provision in this ordinance shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given effect without such invalid part or parts.

Article XIII. Effective Dates

1301. General Provisions. Except as set out below in paragraph 1302, the provisions of this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.
1302. Strength-of-Wastes Surcharge Provisions. The provisions of Article VIII, entitled "Strength-of-Wastes Surcharge," shall be in full force and effect from and after the billings for May 1971.

SECTION 2. This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and legal publication thereof.



Councilman

APPROVED AS TO FORM
AND LEGALITY, 

CITY ATTORNEY

Read the first time in full and on motion by George Dunifon seconded by

Dunifon and duly adopted, read the second time by title and referred to the (Committee on) Regulation City Utilities (and to the City Plan

~~Commission for recommendation~~) (and Public Hearing to be held after due legal notice,

at the Council Chambers, City Hall, Fort Wayne, Indiana, on

the _____ day of _____ 196____, at _____ o'clock

~~P.M., E.S.T.~~

Date: 12-15-70

Frank J. Bronkhorst
City Clerk

Read the third time in full and on motion by _____

seconded by _____ and duly adopted, placed on its passage.

Passed (LOST) by the following vote:

AYES _____, NAYS _____, ABSTAINED _____, ABSENT _____ to-wit:

Adams	_____	_____	_____	_____
Dunifon	_____	_____	_____	_____
Fay	_____	_____	_____	_____
Geake	_____	_____	_____	_____
Nuckols	_____	_____	_____	_____
Robinson	_____	_____	_____	_____
Rousseau	_____	_____	_____	_____
Steigerwald	_____	_____	_____	_____
Tipton	_____	_____	_____	_____

Date 12-29-70

City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(Zoning Map)~~ (General) (Annexation) (Special) (Appropriation) Ordinance (Resolution) No. 9

on the _____ day of _____, 196____.

ATTEST: (SEAL)

City Clerk

Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 196____ at the hour of _____ o'clock _____.M., E.S.T.

City Clerk

Approved and signed by me this _____ day of _____, 196____, at the hour of _____ o'clock _____.M., E.S.T.

Harold S. Zeis
Mayor

56-150-13

December 9, 1960

Mr. J. Robert Arnold
City Attorney
1120 Lincoln Bank Tower
Fort Wayne, Indiana

Dear Mr. Arnold:

Please prepare an ordinance to be introduced in the Common
Council Dec. 15, 1970, for the following:

Revision of Chapter 26 as submitted "Sewers and Sewerage System"
of the Fort Wayne Municipal Code.

Yours truly,

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

ic
encl.

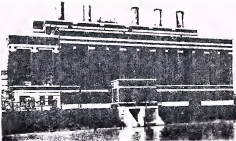
*See attachment to
Page I*

REVISION OF CHAPTER 26
SEWERS AND SEWERAGE SYSTEM
FORT WAYNE MUNICIPAL CODE

November 23, 1970

Revised January 19, 1971

FILTRATION PLANT



POWER PLANT

SEWAGE TREATMENT PLANT



CITY UTILITIES

PHONE 743-0178

308 E. BERRY STREET

F O R T W A Y N E 2 , I N D I A N A

November 23, 1970

Members of the Common Council
City of Fort Wayne

SUBJECT: Revision of Chapter 26, Sewers and Sewerage System,
Fort Wayne Municipal Code

Gentlemen:

This rewriting of Chapter 26, Sewers and Sewerage System, of the Fort Wayne Municipal Code is the only substantive revision of the provisions governing the Sewage Utility other than rate changes made in 1959 and 1969 since the beginning of the operation of the Sewage Treatment Plant in 1940.

The revision is intended to accomplish three objectives, as follows:

1. To update those provisions of the original ordinance #2024 and subsequent ordinances covering the operation of the Sewage Utility to meet present-day problems.
2. To give the Board of Public Works authority to exclude or require pretreatment of any industrial or commercial waste that is considered to be deleterious to the sewerage system or to the Sewage Treatment Plant operation.
3. To provide equitable surcharges for treating commercial and industrial wastes having concentrations of biochemical oxygen demand (BOD) and/or suspended solids in excess of certain prescribed limits.

In recent years, discharge of industrial and commercial wastes into the sewerage system has given rise to a number of complex problems and Henry B. Steeg & Associates, who were engaged in a number of engineering projects for the Sewage Utility, were asked to study these problems and make recommendations. Their study pinpointed a number of local industries discharging high strength wastes for which present sewerage charges, based solely on volume, do not equitably reimburse the Utility for the cost of treating such high strength wastes.

Exhibit A attached lists nine industries whose industrial wastes accounted for approximately thirty percent of the biochemical oxygen demand (BOD) required in the Sewage Utility's treatment operations during 1969.

The additional BOD (in excess of 300 milligrams per liter) required to treat wastes discharged by these nine industries is equivalent to a sewage load of 65,000 people. It is thus evident that these industries should pay additional charges for the treatment of their high strength waste discharges.

There are undoubtedly additional firms in Fort Wayne for which waste samples have not yet been analyzed whose wastes would be of sufficient strength to subject them to sewage strength surcharges under the proposed ordinance. Among these are food processors, such as Eskay Dairy (Beatrice Foods) and Borden's, and borderline cases, based on sample analyses taken in other cities, such as some restaurant operations and perhaps some laundromats.

While the ordinance as a whole would be effective upon its passage, approval by the Mayor and due legal publication, it should be noted that the high strength surcharges would not become effective until the June 1971 billings. We believe this will give those firms which will be affected by the surcharge an opportunity to modify their operating procedures in order to eliminate or reduce the surcharges for their wastes.

The ordinance sets up a charge of 2.12¢ for each pound of excess BOD in the customer's waste discharge and 1.91¢ for each pound of excess suspended solids.

Members of the Common Council
page three
November 23, 1970

Such charges for treating high strength commercial and industrial wastes are now required if any municipality is to obtain a federal grant for construction of sewage treatment works. The recently adopted federal policy set out in Section 601.34 of the rules issued by the Federal Water Quality Administration under the authority of the Federal Water Pollution Control Act and published in the Federal Register of July 2, 1970, requires (1) pretreatment or exclusion of industrial wastes if such are deleterious to a city's treatment operation or sewerage system and (2) an equitable system of cost recovery for industrial wastes treated by its treatment plant.

This rewriting of Chapter 26 of the Municipal Code meets the requirements as set out in the Federal Register.

Respectfully submitted

Ronald L. Bonar
Ronald L. Bonar
Chief Sewer Engineer

rmb
enclosures

EXHIBIT A

CHARGES TO NINE HIGH STRENGTH SEWAGE CUSTOMERS BASED ON
LATEST ANALYSES AND USAGES FOR 12 MONTHS ENDING OCTOBER 1970

Customer	Latest Waste Analysis BOD mg/l	Susp. Solids mg/l	Sewage Billing Volume (100 CF) 12 Months Ending October 1970	Annual Volume Charge	Annual Strength Surcharge*	Total Annual Charge	Population Equivalent** of Excess BOD***
Falstaff Brewing Company	2,134	607	190,538	\$ 24,288	\$ 51,998	\$ 76,286	35,097
Old Crown Brewing Company	3,123	1,451	5,372	1,309	2,708	4,017	1,523
Wayne Cooperative Dairy	835	390	75,982	12,832	5,733	18,565	4,083
Allen Dairy Products	4,390	271	23,067	4,937	12,465	17,402	9,476
Tonne Dairy	735	215	2,707	687	156	843	118
Seyfert's Foods	1,880	4,770	46,301	9,248	34,025	43,273	7,348
Cover-All Rental	930	1,030	52,391	10,300	8,602	18,902	3,315
Slick's Laundry	359	233	14,838	3,341	116	3,457	88
Auburn Tankage	3,050	2,680	<u>15,529</u> 426,725	<u>3,480</u> \$70,422	<u>9,949</u> \$125,752	<u>13,429</u> \$196,174	<u>4,289</u> 65,337

*During 1969, the raw sewage flowing into the Sewage Treatment Plant had an average BOD content of 166 mg/l and an average suspended solids content of 179 mg/l. The proposed ordinance allows 300 mg/l of BOD and 350 mg/l of suspended solids in a customer's sewage before the surcharge becomes applicable; above this level of strength, unit charges of 2.12¢ per pound of excess BOD and 1.91¢ per pound of excess suspended solids are made.

**Based on 0.17 pounds per day per capita of BOD in domestic sewage.

***The excess over 300 mg/l of BOD in customer's raw sewage discharge.

Revision of Chapter 26, Municipal Code

This is a revision of Chapter 26, titled Sewers and Sewerage System, of the Fort Wayne Municipal Code. The revision of this Chapter incorporates needed changes covering the exclusion, pretreatment and/or controlled discharge of industrial wastes at their points of origin when the protection and operation of the City's sewage collection and treatment facilities require. It also establishes charges for treating industrial wastes that have been accepted into the City's sewerage system and that have strengths in excess of normal sewage in order that the producers of high-strength industrial wastes shall equitably bear the extra costs of providing treatment for such wastes.

The summer sprinkling period is reduced from six months, May through October, to four months, June through September. During this period, an individual residential customer may, on his written request to the Utility, be billed for sewerage services according to his average water consumption during the months of March and April.

Penalties to be imposed for violations of specific sections of Chapter 26 are established.

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FORT WAYNE MUNICIPAL CODE
CHAPTER 26
SEWERS AND SEWERAGE SYSTEM

Article I. Definitions

Unless the context specifically indicates otherwise, the meanings of the following terms as used in this ordinance or as used in the rules and regulations adopted by the Board of Public Works to implement the provisions of this ordinance shall be as follows:

101. "Biochemical Oxygen Demand" (or BOD) of sewage, sewage effluent, polluted waters or industrial wastes shall mean the quantity of dissolved oxygen in milligrams per liter required during stabilization of the decomposable organic matter by aerobic biochemical action under standard laboratory procedures for five days at 20 degrees Centigrade. The laboratory determinations shall be made in accordance with procedures set forth in "Standard Methods" (see 125).
102. "Building (or House) Drain" shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to a point approximately three feet outside the foundation wall of the building.
103. "Building (or House) Sewer" shall mean the pipe which is connected to the building (or house) drain at a point approximately three feet outside the foundation wall of the building and which conveys the building's discharge from that point to the public sewer or other place of disposal.
104. "Chemical Oxygen Demand" (or COD) of sewage, sewage effluent, polluted waters or industrial wastes is a measure of the oxygen equivalent of that portion of the organic matter in a sample that is susceptible to oxidation by a strong chemical oxidant. The laboratory determination shall be made in accordance with procedures set forth in "Standard Methods".
105. "City" shall mean the City of Fort Wayne, Indiana, or any duly authorized officials acting in its behalf.
106. "Effluent" shall mean the water, together with any wastes that may be present, flowing out of a drain, sewer, receptacle or outlet.

107. "Garbage" shall mean any solid wastes from the preparation, cooking or dispensing of food and from the handling, storage or sale of produce.
108. "Ground Garbage" shall mean garbage that is shredded to such a degree that all particles will be carried freely in suspension under the conditions normally prevailing in public sewers, with no particle being greater than one-half inch in dimension.
109. "Industrial Wastes" shall mean any solid, liquid or gaseous substance or form of energy discharged, permitted to flow or escaping from an industrial, manufacturing, commercial or business process or from the development, recovery or processing of any natural resource carried on by any person as defined in 112.
110. "Influent" shall mean the water, together with any wastes that may be present, flowing into a drain, sewer, receptacle or outlet.
111. "Outlet" shall mean any outlet, natural or constructed, which is the point of final discharge of sewage or of treatment plant effluent into any watercourse, pond, ditch, lake or other body of surface or ground water.
112. "Person" shall mean any and all persons, natural or artificial, including any individual, firm, company, municipal or private corporation, association, society, institution, enterprise, governmental agency or other entity.
113. "pH" shall mean the logarithm (to the base 10) of the reciprocal of the hydrogen ion concentration of a solution expressed in gram-atoms per liter of solution.
114. "Receiving Stream" shall mean the watercourse, stream or body of water receiving the waters finally discharged from the sewage treatment plant.
115. "Residential Property Unit" shall mean a building under one roof designed, arranged and used primarily for dwelling purposes by a single family.
116. "Sanitary Sewage" shall mean sewage discharged from the sanitary conveniences of dwellings (including apartment houses and hotels), office buildings, factories or institutions and free from storm water, surface water and industrial wastes.
117. "Service Charge" shall mean the basic assessment (based on water usage) levied on all users of the public sewerage system for wastes which do not exceed in strength the concentration values above which a strength-of-wastes surcharge will be made.

118. "Sewage" shall mean the water-carried wastes from residences, business buildings, institutions and industrial establishments, singular or in any combination, together with such ground, surface and storm waters as may be present.
119. "Sewage Treatment Plant", or "Water Pollution Control Plant", shall mean the arrangement of devices, structures and equipment used for treating and disposing of sewage and sludge.
120. "Sewage Utility", or "Water Pollution Control Utility," shall mean all facilities for collecting, transporting, pumping, treating and disposing of sewage and sludge, namely the sewerage system and the sewage treatment plant.
121. "Sewer" shall mean a pipe or conduit for carrying sewage or other waste liquids.
- 121.1. "Combined Sewer" shall mean a sewer which carries both storm, surface and ground-water runoff and sewage.
- 121.2. "Public Sewer" shall mean a sewer in which all owners of abutting property have equal rights and which is controlled by public authority.
- 121.3. "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface and ground waters and unpolluted industrial waste waters are not intentionally admitted.
- 121.4. "Storm Sewer" shall mean a sewer which carries storm, surface and ground-water drainage but excludes sewage.
122. "Sewer Engineer" shall mean the Chief Sewer Engineer of the City of Fort Wayne or his duly authorized representative; the term shall be equivalent to the expression "Water Pollution Control Engineer".
123. "Sewerage System" shall mean the network of sewers and appurtenances used for collecting, transporting and pumping sewage to the sewage treatment plant.
124. "Shall" is mandatory; "may" is permissible.
125. "Standard Methods" shall mean the examination and analytical

125. "Standard Methods" continued--
procedures set forth in the most recent edition of "Standard Methods for the Examination of Water and Wastewater", published jointly by the American Public Health Association, the American Water Works Association and the Water Pollution Control Federation.
126. "Superintendent" shall mean the Superintendent of the Sewage Treatment Plant (or Water Pollution Control Plant) of the City of Fort Wayne or his duly authorized representative.
127. "Surcharge" shall mean a charge for sewerage services in addition to the basic service charge.
- 127.1. "Out-of-City Surcharge" shall mean the extra charges for sewerage service assessed customers situated outside the corporate limits of the City (designated OCS).
- 127.2. "Strength-of-Wastes Surcharge" shall mean the extra charges for sewerage service assessed customers whose sewage is of such a nature that it imposes upon the Sewage Utility a burden greater than that covered by the basic service charge.
128. "Suspended Solids" shall mean solids which either float on the surface of or are in suspension in water, sewage or other liquid and which are removable by laboratory filtration. Their concentration shall be expressed in milligrams per liter. Quantitative determinations shall be made in accordance with procedures set forth in "Standard Methods".
129. "Watercourse" shall mean a channel in which a flow of water occurs either continuously or intermittently.

Article II. General Provisions

201. Bylaws, Rules and Regulations. The Board of Public Works of the City of Fort Wayne shall, in accordance with the Statutes of Indiana, make and enforce whatever bylaws, rules and regulations it may deem necessary for the safe, economical and efficient management of the City's Sewage Utility, for the construction and use of building sewers and connections to the sewerage system, for the regulation, collection and refunding of the rates and charges for sewerage service and, in general, for the implementation of the provisions of this ordinance.
202. Requirements for Connecting to Public Sewers. No owner or occupant of any real property shall tap or drain either directly or indirectly into any public sewer until a sewer tap permit has been obtained and until he has satisfied his obligation to pay all assessments, reimbursements or pro rata shares of sewer extension costs laid against that property for public sewers installed to serve it. A tap permit given in error or sewerage service charges billed to a property in error shall not operate to nullify any such obligation that has been duly recorded.

Tap permits shall be obtained from the City's Permit Office and shall be issued only to licensed sewer tap contractors, who shall pay to the Sewage Utility a fee of ten dollars for each tap permit for a normal six-inch service, a fee of twenty dollars for each tap permit for a special six-inch service and a fee of twenty dollars for each tap permit for a service larger than six inches. After making each sewer tap and building sewer installation, the tap contractor shall notify the Sewer Engineer so that the tap and the building sewer can be inspected and approved before the excavation is backfilled. Any tap or building sewer installation not made in accordance with the foregoing provisions shall be deemed an illegal installation and, upon discovery, shall be promptly disconnected at the expense of the property owner and shall remain disconnected until the provisions of this paragraph 202 have been complied with.

The Board of Public Works shall have the authority to require an owner of real property to disconnect from a building sewer which drains into a sanitary sewer any downspouts, yard drains or other drains which carry the runoff of natural precipitation. Property owners shall have thirty days after notice to comply with any such requirements.

203. Extensions of Sewers Outside Corporate Limits. The installation, construction or extension of sewers by the City outside the corporate limits of the City and the connection or extension of sewers into the City's sewerage system from, by or for properties located outside such limits shall be prohibited, except upon prior approval by the Common Council of the City by duly enacted ordinance.
204. Connections to Sewerage System by Certain Out-of-City Properties. Notwithstanding the provisions of paragraph 203, the Board of Public Works of the City shall have the authority to permit a property located outside the corporate limits of the City to connect to an existing sewer which is part of the City's sewerage system, provided the property abuts, adjoins and is immediately contiguous to the street, alley or easement in which such sewer is located and provided the property owner or occupant has complied with the conditions set out in paragraph 202.
205. Violations and Penalties. Any person found to be violating or failing to comply with any of the provisions of paragraphs 202, 301, 401 through 405, 501 through 503, 602 or 605 shall be served by the City with a written notice stating the nature of the violation and providing a reasonable time limit for its satisfactory correction. The offender shall, within the period of time stated in the notice, permanently cease all violations.

Any person who shall continue any violation beyond the stated time limit shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine in any amount not less than \$25.00 and not more than \$100.00. Each day in which any such violation shall continue shall be deemed a separate offense.

Any person violating any of the provisions of the paragraphs set out above and convicted thereof shall become liable to the City for any expense, loss or damage occasioned the City by reason of such violation.

206. Amendment. The City of Fort Wayne reserves the right to amend this chapter of the Municipal Code, including the rates herein established, in part or in whole, as provided and permitted by the Statutes of Indiana, whenever it may deem it necessary.

Article III. Prohibited Industrial Discharges

301. Prohibitions and Limitations. Except as hereinafter provided, no person shall discharge or cause to be discharged to any public sewer any of the following described substances, wastes or waters.
- 301.1 Any liquid or vapor having a temperature higher than 160 degrees Fahrenheit.
- 301.2 Any waters or wastes containing more than 100 milligrams per liter of fats, oils, greases or waxes.
- 301.3 Any gasoline, benzene, naphtha, fuel oil or mineral oil or any other flammable or explosive liquid, solid or gas.
- 301.4 Any noxious or malodorous gas or substance which, either alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or of preventing entry into sewers for their maintenance and repair.
- 301.5 Any garbage that has not been properly ground.
- 301.6 Any ashes, cinders, sand, mud, straw, shavings, wood, metal, glass, rags, feathers, tar, plastics, paunch manure, butchers' offal or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system or the Sewage Treatment Plant.
- 301.7 Any waters or wastes containing phenols in excess of 0.50 milligrams per liter.
- 301.8 Any waters or wastes having a pH lower than 6 or higher than 10 or having any other corrosive property capable of causing damage or posing hazards to the structures, equipment or personnel of the Sewage Utility.
- 301.9 Any waters or wastes containing any toxic substances in quantities that are sufficient to interfere with the biochemical processes of the Sewage Treatment Plant or that will pass through the Plant into the receiving stream in amounts exceeding the standards set by federal, interstate, state or other competent authority

- 301.9 Continued--
having jurisdiction. Specifically included are any waters or wastes containing cadmium, chromium, copper, iron, nickel, zinc or any other toxic ions, compounds or substances in concentrations or amounts exceeding the limits established from time to time by the Board of Public Works.
- 301.10 Any cyanides, as CN ions, in excess of one milligram per liter in any wastes discharged into a public sewer.
- 301.11 Any waters or wastes containing acid metallic pickling wastes or concentrated plating solutions.
- 301.12 Any toxic radioactive isotopes, without a special permit. The radioactive isotopes I ¹³¹ and P ³² used in hospitals are not prohibited, if they are properly diluted before being discharged into the sewerage system.
- 301.13 Any waters or wastes that for a duration of 15 minutes or more have a concentration more than 5 times the average concentration of the BOD or the suspended solids of the customer's sewage discharged during a twenty-four-hour period of normal operation.
- 301.14 Any waters or wastes containing suspended solids of such character and quantity that unusual provision, attention and expense would be required to handle such materials at the Sewage Treatment Plant, its pumping stations or other facilities.
302. Responsibility for Obstructing or Damaging Sewers. If a public sewer becomes obstructed or damaged because any of the aforementioned substances were improperly discharged, the person or persons responsible for such discharge shall be billed and shall pay for the expenses incurred by the City in cleaning out, repairing or rebuilding the sewer.
303. Special Agreements. No statement contained in this article shall be construed as prohibiting any special agreement or arrangement between the City and any person whereby an industrial waste of unusual strength or character may be accepted by the City for treatment either with or without pretreatment, provided there is no impairment of the functioning of the Sewage Utility by reason of the admission of such wastes and no extra costs are incurred by the City without recompense by the person.

Article IV. Admissible Industrial Wastes

401. Prior Approval for Certain Wastes. Review and acceptance by the Superintendent shall be obtained prior to the discharge into the public sewers by any person of sewage whose wastes have:

401.1 A BOD greater than 300 milligrams per liter.

401.2 A suspended-solids content greater than 350 milligrams per liter.

401.3 Other contaminants or characteristics which, from their nature or quantity, might be harmful to the structures, processes or operations of the Sewage Utility or to health, whether by themselves or through interacting with other wastes in the public sewers.

402. Pretreatment Facilities. When, after making such a review, the Superintendent concludes that, before the person discharges his wastes into the public sewers, he must modify or eliminate those constituents which would be harmful to the structures, processes or operations of the Sewage Utility or injurious to health, then the person shall either modify his wastes at the point of origin or shall provide and operate at his own expense such preliminary treatment or processing facilities as may be determined to be necessary to render his wastes acceptable for admission to the public sewers.

403. Prior Approval of Pretreatment Facilities. Plans, specifications and any other pertinent information relating to proposed preliminary treatment or processing facilities shall be submitted to the City for examination and approval and no construction of such facilities shall begin until the City, through its Board of Public Works, has given its written approval. Such approval shall not exempt the person from the obligation to make further reasonable adaptations of such facilities when such adaptations prove necessary to secure the results desired.

404. Operation of Pretreatment Facilities. Where such preliminary treatment facilities are provided, they shall be maintained continuously in satisfactory and effective operating condition by the person at his own expense and shall be subject to periodic inspection by the City. The person shall maintain suitable operating records and shall submit to the Superintendent such monthly summary reports of the character of the influent and effluent as the latter may prescribe.

405. Grease and Sand Traps. Whenever the Board of Public Works determines that interceptors or traps are needed to protect the sewerage system or the operations of the Sewage Treatment Plant from grease, oil, sand or similar substances occurring in a customer's sewage, then such traps shall be installed by the customer on his own lines at his own expense and shall be so maintained by him that none of such substances can be carried over into the public sewers. All traps shall meet the City's standards as to construction, location and installation.

Article V. Control of Admissible Industrial Wastes

501. Submission of Data on Industrial Wastes. Any person who discharges industrial wastes into the City's sewerage system, either directly or indirectly, shall, upon the written request of the Board of Public Works, fill out and file with the City within ninety days an Industrial Waste Questionnaire to be furnished by the City, in which he shall set out the quantity and characteristics of the wastes discharged into the City's sewerage system. Similarly, any person desiring to establish a new connection to a public sewer for the purpose of discharging industrial wastes may be required to fill out and file such a questionnaire, which shall include actual or predicted data relating to the quantity and characteristics of the wastes to be discharged.

When special circumstances such as the size or complexity of his sewage disposal problem would make complying with the time schedule cited above an unreasonable burden on the person, an extension of time, not to exceed ninety days, may be granted by the Board of Public Works upon presentation of a proper application.

502. Control Manholes. Any person discharging industrial wastes into a public sewer, either directly or indirectly, may be required by the Board of Public Works, upon the recommendation of the Superintendent, to construct and maintain at his own expense one or more control manholes at a specified location or locations to facilitate the observation, measurement and sampling of his wastes. Such manholes shall be constructed in accordance with the standards and specifications of the City. The Board may also require the person to install and maintain in any such manhole at said person's expense an approved volume measuring device. Plans for the installation of control manholes and related equipment must be approved by the Board of Public Works, upon the recommendation of the Superintendent and the Sewer Engineer, before construction is begun.
503. Waste Sampling. Any industrial wastes discharged into the public sewers shall be subject to periodic inspection and determination of character and concentration. The examination shall be made as often as the Superintendent deems it necessary and may include the use of suitable continuously monitoring instruments in appropriate cases. Samples shall be collected either manually or by approved mechanical devices and in such a manner as to be representative of the overall composition of the wastes. Every care shall be exercised in

503. Waste Sampling continued--
collecting the samples to insure their preservation, until analyzed, in a state comparable to that at the time the samples were collected.

The installation, operation and maintenance of the sampling facilities shall be the responsibility of the person discharging the wastes and shall be subject to the approval of the Board of Public Works. Access to sampling facilities shall be granted at all times to the Superintendent or his duly authorized representative.

504. Waste Analyses. Laboratory procedures used in the examination of industrial wastes shall be those set forth in "Standard Methods". However, alternative methods for certain analyses of industrial wastes may be used subject to mutual agreement between the Superintendent and the customer. The City shall make, without charge to the customer, the initial analysis and regular periodic check analyses of the customer's wastes as well as other tests the Superintendent may deem advisable. Analyses made by the City at the request of the customer shall be charged to the customer according to the Utility's standard work order billing practices. All such analyses shall be binding in determining strength-of-wastes surcharges and other matters dependent upon the character and concentration of wastes.

505. Use of Representative Analyses. Until an adequate analysis of a representative sample of customer's wastes has been obtained, the City may, for the purposes of this ordinance, make a determination of the character and concentration of his wastes by using data based on analyses of similar processes or data for his type of business that are available from the Water Pollution Control Administration of the U.S. Department of the Interior or from industry-recognized authoritative sources. This method, if selected by the City, shall continue at the City's pleasure or until an adequate analysis has been made.

Article VI. Service Charges Based on Water Usage

601. Water Obtained from the City's Water Utility. The charges made for sewerage service rendered to each lot, parcel of real estate or building having any connection with the City's sewerage system or otherwise discharging sewage into that system, either directly or indirectly, shall be based upon the quantity of water presumed to enter the public sewers after being used in or on the property, as the quantity is measured by the water meter or meters there in use by the City's Water Utility, except as herein otherwise provided.
602. Water Obtained from Other Sources. Where the property obtains any part or all of the water used from sources other than the City's Water Utility, the owner or the tenant may be required by the City to install and maintain at his own expense a meter or meters acceptable to the City for the purpose of measuring the quantity of water obtained from these other sources, or the City may determine the quantity of such water by whatever means and methods it may find practicable.
603. Exempt Water - General. Where a significant portion of the metered water does not and cannot enter the sewerage system, either directly or indirectly, and where the quantity of water entering the premises averages more than 2000 cubic feet per month, the person having charge of the property may request permission from the City to install at his own expense either an approved meter or meters to determine the quantity of water that cannot enter the sewerage system or an approved sewage measuring device or devices to determine the volume of sewage that actually enters the sewerage system; when appropriate, the City reserves the right to determine by whatever other means and methods it may find practicable the percentage of the property's metered water that enters the sewerage system. In any such case the service charge shall be based on the quantity of water that can or actually does enter the public sewers but in no case shall it be less than the minimum charge for the size of service installed.

604. Exempt Water-Sprinkling. A residential water consumer shall be billed for sewerage service rendered in the four consecutive monthly billing periods for which the regularly scheduled meter readings are made after June 14 an amount based on such consumer's average water consumption during the two prior months of March and April. Averages resulting in fractions of 100 cubic feet shall be raised to the next whole number of 100 cubic feet. In no case, however, shall the charge be less than the minimum for the meter size installed. A residential water consumer billed for the first time during the sprinkling exemption period shall be billed for sewerage service on the basis of the minimum charge for the meter installed.

The City may allow an exemption for billing periods other than those cited above, provided the consumer demonstrates to the City's satisfaction that his sprinkling load during such period or periods justifies an exemption.

Notwithstanding any of the foregoing provisions, where it is evident that a residential water consumer uses substantially more water for non-sprinkling purposes during the sprinkling period than he does during March and April, he shall not be entitled to the sprinkling exemption but shall be billed on the basis of the water actually used. However, such consumer may, at his own expense and with the City's approval, install a secondary meter or meters on that portion of his water supply system which serves only his sprinkling load so as to measure directly the amount of water that does not enter the public sanitary sewer.

Nothing herein contained shall prevent a residential water consumer from electing to pay for sewerage service on the basis of the water actually used in every month, provided such consumer makes application in writing to pay on this basis for at least one year from the date of the next billing following the date of application.

The provisions of this section shall not apply to any residential water consumer who uses any part of his water for any commercial or industrial purpose.

605. Metering of Sewage. The City may require a person to install and maintain at his own expense an approved device to measure directly the volumes of wastes discharged to the sewerage system if these volumes cannot otherwise be determined from the metered-water consumption records. The City shall inspect and approve such installations and no such service, once installed, shall be removed without the City's approval.

Article VII. Service Charges

701. Volume Charges. The water usage schedule upon which charges for service rendered by the Sewage Utility shall be based and the rates and charges based thereon shall be as follows:

Billing Cubic Feet of Water Used per Month	Rate per 100 Cubic Feet
First 500	\$ 0.30
Next 1,500	.28
Next 2,500	.27
Next 7,500	.26
Next 18,000	.24
Next 20,000	.23
Next 50,000	.22
Next 50,000	.20
Next 150,000	.19
Next 150,000	.18
Over 450,000	.10

702. Minimum Charges. Where the customer is a metered water consumer and has no additional sources of water, he shall pay, regardless of his water usage, at least the appropriate minimum monthly charge as set forth below, which charge shall be based on the size of the water meter installed and for which the customer shall be entitled to the quantity of sewerage service set forth in the water usage schedule in paragraph 701.

<u>Size of Water Meter</u>	<u>Minimum Monthly Charge</u>
5/8 inch	\$ 1.50
3/4 inch	2.00
1 inch	3.40
1 1/2 inch	6.75
2 inch	12.00
3 inch	27.00
4 inch	47.25
6 inch	81.00

Where the customer is not a metered water consumer or is a metered water consumer with other sources of water, his minimum monthly charge and the quantity of sewerage service to which he shall be entitled for such charge shall be determined by rules established by the Board of Public Works.

Article VIII. Strength-of-Wastes Surcharge

801. Liability for Surcharge. Each person who discharges industrial wastes into the public sewers shall be subject to a surcharge in addition to the regular sewerage service charge based on both the biochemical oxygen demand (or on the chemical oxygen demand where BOD cannot be determined) and the suspended solids content of the wastes, if these wastes have a concentration greater than the following:
- a. A biochemical oxygen demand of 300 milligrams per liter; or, where BOD cannot be determined, then, in lieu of BOD, a chemical oxygen demand of 600 milligrams per liter.
 - b. A suspended solids content of 350 milligrams per liter.
802. Computation of Surcharge. The surcharge shall be determined as follows:
- a. The excess pounds of BOD (or COD) and of suspended solids will each be computed by first multiplying the customer's billing sewage volume measured in units of 100 cubic feet for the current billing period by the factor 0.0062321 and then multiplying this product by the difference between (a) the concentrations measured in milligrams per liter of the BOD (or COD) and of the suspended solids respectively in the customer's sewage and (b) the allowed concentrations set out in paragraph 801. The surcharge for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge set out in paragraph 803.
803. Rates of Surcharge. The rates of surcharge for each of the aforementioned constituents shall be as follows:
- a. For biochemical oxygen demand (BOD)--- 2.12 cents per pound
 - b. For chemical oxygen demand (COD) where BOD cannot be determined----- 1.06 cents per pound
 - c. For suspended solids----- 1.91 cents per pound

804. Revision of Rates of Surcharge. Prior to May 1 of each year, the General Auditor of the City Utilities shall submit to the Board of Public Works a comparison of the calculated unit costs for removing BOD and suspended solids from the Sewage Treatment Plant influent during the previous calendar year with the unit charges currently in effect in order that the Board may determine whether the current rates of surcharge are adequate or should be changed.

Article IX. Out-of-City Surcharge

901. Application of Surcharge. Any provisions in this ordinance or in any other ordinance or regulation of the City to the contrary notwithstanding, the charges for sewerage services rendered to customers situated outside the corporate limits of the City of Fort Wayne shall be two hundred percent of the charges which would be made for identical services rendered inside the corporate limits and which are prescribed in Article VII, Service Charges, and in Article VIII, Strength-of-Wastes Surcharges.

Article X. Billing of Service Charges

1001. Billing Period. Charges for sewerage service shall be prepared and billed by the General Office of the City Utilities along with the bills for water service and shall be payable at the General Office at the same time as the water bills.
1002. Liability for Payment. The charges for sewerage service shall be billed to the person being billed for water service unless, by contract with the Utility, another person assumes such responsibility. If a tenant is billed, the owner shall in no way be relieved of liability in the event payment is not made by the tenant as herein required. Such owner shall have the right to examine the City's collection records to ascertain whether such charges have been paid.
1003. First Billings. The rates, charges and surcharges fixed in this ordinance shall be extended to and cover any additional premises hereafter served without the need for any hearing or notice. If the first billing to a new customer covers a period other than a full billing month, then the service charges for such billing shall be made in keeping with standard practice in the Water Utility. Subsequent sewerage service billings shall be for periods coinciding with the billing periods for water service. If such rates, charges and/or surcharges are changed, the first billing after such change may also be for a period other than a full billing month in order to keep the sewerage billing periods coincident with the water billing periods.
1004. City Subject to Charges. For sewerage service rendered to the City, the City shall be subject to the same rates and charges herein established for other persons or to rates and charges established in harmony herewith.
1005. Consolidation of Accounts. Where an industrial, commercial or other non-residential enterprise is operating in a unified manufacturing or service area composed of two or more contiguous parcels of real estate and is supplied with water through two or more meters, upon application by the owner or his authorized agent, a consolidation of the water meter readings shall be made for the purpose of calculating the sewerage service charge.

Article XI. Delinquent Accounts

1101. How Delinquencies Arise. Charges for sewerage service levied pursuant to this ordinance shall be due and payable on or before the due dates shown on the bills. Any service charge not paid by the due date (approximately fifteen days after the bill is rendered) shall be considered delinquent. Such delinquent charge together with any applied penalty shall be collectible as hereinafter set forth.
1102. Collection Through Shutting Off Water Service. Where the property having a delinquent sewerage account is served by the City's Water Utility, the City may, after mailing a written notice at least ten days in advance to the water consumer and to the property owner, shut off the water service to the property. The water service shall not be turned back on until the delinquent service charges and the costs of shutting off and turning on the water service have been paid.
1103. Collection Through the Tax Duplicate. As provided by the Statutes of Indiana, delinquent sewerage service charges may be made a lien against the property served through certification to the Auditor and to the Recorder of Allen County. In such case, the delinquent service charges, together with a mandatory penalty of ten percent, shall be placed on the tax duplicate and be collected in the same manner as regular taxes and assessments are collected.
1104. Collection Through Court Actions. In addition to the foregoing remedies, the City shall have the right to bring a civil action to recover any delinquent charges together with a penalty of ten percent and a reasonable attorney's fee. It shall also have the right, as provided by the Statutes of Indiana, to foreclose any lien established under the provisions of paragraph 1103, with recovery of the charge, a penalty of ten percent and a reasonable attorney's fee.

Article XII. Validity

1201. Repeal of Conflicting Provisions. All the provisions of Chapter 26, entitled "Sewers and Sewerage System," of the Municipal Code of the City of Fort Wayne (1959 Edition) and the provisions of any ordinances and regulations which may be in conflict with this ordinance are hereby repealed as of the date this ordinance takes effect.
1202. Validation Clause. The invalidity of any section, sentence, clause or provision in this ordinance shall not affect the validity of any other section, sentence, clause or provision of this ordinance which can be given effect without such invalid part or parts.

Article XIII. Effective Dates

1301. General Provisions. Except as set out below in paragraph 1302, the provisions of this ordinance shall be in full force and effect from and after its passage, approval by the Mayor and due legal publication thereof.
1302. Strength-of-Wastes Surcharge Provisions. The provisions of Article VIII, entitled "Strength-of-Wastes Surcharge," shall be in full force and effect from and after the billings for May 1971.

T. H. Heemstra
2923 Woodstock Ct.
Fort Wayne, Ind. 46805

Statement to Members of the Common Council; 7:30pm Jan. 26, 1971.

I am speaking as a citizen of Fort Wayne. I have expressed to several council members my views regarding some portions of the proposed revision of Chapter 26, ~~Sewers~~ ^{Sewers} and Sewerage System, and now wish to express these views to all interested persons present.

The restrictions spelled out in paragraph 301 are one area of concern. This paragraph could be applied to diverse organizations in our community - food service, hospitals and clinics, service stations and garages, car washes, swimming pools, etc. If it becomes law, it should be applied and enforced uniformly.

One of the speakers at this hearing commented that mercury was not included in the list of ions mentioned in paragraph 301.9. This paragraph does not exclude any substance nor necessarily include those listed - the Board of Public Works is authorized here to establish limits as it sees fit for any substances it decides are toxic. No such list of limits is now available.

- * I would hope that the draftors of this revision have studied sufficiently the limits proposed to know that if exceeded: damage to our sewers or treatment plant will occur; or we will be unable to meet receiving stream standards. I would hope that council direct the Board of Public Works to take a studied position when they do in fact establish limits on toxic materials that may be entering our sewerage system.

Two sections of this proposed revision appear to be loop holes: Paragraphs 303. Special Agreements and 401. Prior Approval for Certain Wastes. No protection is given here for those persons who must comply with the paragraph 301, only to have other persons obtain privilege by agreement or prior approval.

- * To what extent must customers of other sewerage utilities comply with these regulations when their effluent ultimately becomes the responsibility of our Fort Wayne utility? Or are these cases handled as special agreements?

As a taxpayer, I want the effluent from the Sewerage Treatment Plant or other discharges for which the city is responsible, to meet the receiving stream standards set by competent authority. I also want assurances that no person be allowed to introduce into the city sewer any waste that will damage the property of the city; i.e., the sewerage system.

I am just as concerned, however, that arbitrary restrictions or limitations to the use of the public sewers could, if uniformly enforced, cause people or organizations to discontinue their operations or remove them from our city for no good reason.

- * Paragraphs so marked (*) were not included in my verbal statement.

T. H. Heemstra 1/31/71

January 26, 1971

Clean Water Committee
Fort Wayne Chapter Izaak Walton League
Jane Dustin, Member
1802 Chapman Road
Hunters-town, Indiana 46748
637-6264

Subject: Ordinance to revise Chapter 26 of the Fort Wayne Municipal Code

Thank you for the opportunity to comment on this Ordinance.

For a long time, our Clean Water Committee has been aware that individual city water users (principally the householders of the community) have been paying the way for a number of Fort Wayne industries adding heavy loads of difficult to treat wastes to our sewage system. Some loads from single industries are the equivalent of the load from 35,000 persons.

We have also known that from time to time other industries have let loose into the city sewer system effluents of such potency and consistency as to wipe out the natural biological action of the treatment plant causing substantial time and cost to remedy and causing some improper release of poorly treated or untreated wastes into the Maumee river at the plant itself.

It is obvious from ~~the fact that~~ ^{that} Federal directives of the Water Quality Administration ~~recognize~~ ^{are recognized} these problems as being wide spread, ~~and that~~ An equitable assessment for industrial use of sewage systems must be made as well as penalties leveled at those parties whose effluents from time to time damage the system. The WQA believes, and we agree, that each part of our community-wide abatement program must pay its way. They have gone so far as to say "no matching funds" until this equity is reached.

We see the waste surcharge ordinance as a substantial step toward equitable assessment for industrial treatment and a step toward shutting off the damaging effluents which the system cannot handle.

It appears to us also that this ordinance will allow the Sewage Utility to serve better in the valuable function of effluent fact finding in our community. This can be helpful to industry as well. Improved reporting of all industries will possibly indicate ways of combining their wastes for treatment ~~or~~ ways in which their wastes could be modified with "on-site" facilities and then be acceptable into the city system. The ordinance will provide means for gathering extensive data on sewage system users as well as non-users.

Our Committee has felt that a very serious shortcoming in all the abatement programs has been the lack of adequate surveillance and accurate reporting. It is our opinion that allowing the industries to report and "record keep" their own situations simply has not been adequate and in fact many times has provided false information and lead to no enforcement procedures ever being instigated. - *where in fact they should be.*

It appears as though this ordinance will allow both industrial reporting and regular inspections and that the systems of test procedure will greatly assist in more accurate data on quantity and potency of all the industrial effluents *in the Community.*

Although we know that this ordinance does not set the Sewage Utility up as an enforcement body to tackle the total industrial pollution load of our community, it is a large and equitable step forward. It should, in addition, provide data for faster action by the enforcement procedures vested in the Board of Health and Stream Pollution Control Board to control offenders who must treat their own industrial effluents.

Thank you for this hearing.

General
STATEMENT ON ORDINANCE 70-1 2-18, Jan. 26, 1971

The League of Women Voters of Fort Wayne-Allen County commends the City of Fort Wayne for taking needed action on an overdue and important measure, that of providing an equitable surcharge for treating commercial and industrial wastes and providing authority to require pretreatment of any industrial or commercial waste considered deleterious to the City Sewage Treatment plant operation.

Articles III, IV and V of the Ordinance provide a cooperative basis between industry, city and state officials in pollution abatement. Present methods of surveillance are not satisfactory. With the certified plant Superintendent in charge of all monthly summary reports and his periodic inspections of all industrial and commercial wastes, much progress can be made toward cleaning up our streams.

Industry's responsibility for providing and maintaining pretreatment facilities and/or paying the strength of wastes surcharge is an equitable assessment and constitutes fair treatment which is overdue to residential customers. It is also a necessity in complying with federal stipulations to obtain much needed matching funds for sewer improvement programs.

The League would like to make one request -- that the monies from this surcharge be earmarked for matching funds for sewer improvement ~~xxxx~~ programs.

January 28, 1971

Remarks and questions in reference to the proposed revision of the Sewerage and Sewage System, Chapter 26, Fort Wayne Municipal Code at the Hearing held January 26, 1971

1. It is noted that the 200% surcharge on "persons" (industry, etc.) located out of the corporate limits of the city is a very high percentage, especially when the surcharge on water is only approximately 35%. We admit industry must pay their share plus an extra fee for being out of city, but 200% is confiscatory. Will this high fee be an incentive for "persons" to avoid using the sewers and instead discharge their wastes directly into the nearest ditch or stream?
Who would inspect and control this?
2. When an industry is excluded from sending their wastes to the sewage treatment plant, what happens to those wastes? Are they discharged directly into the nearest stream? Or does the Board of Works together with the Superintendent of the Treatment Plant and the City and/or County Boards of Health inspect, control and enforce these situations? Will the City be working with the Indiana Stream Pollution Control Board in helping curb pollution, or will the City leave the whole job up to the Indiana Stream Pollution Control Board? Our concern in the IWL A Clean Waters Committee has been and continues to be that industries are prone to sneak their wastes into the nearest ditch or stream every time they can because it is easier and cheaper.
3. Both the Izaak Walton League and League of Women Voters request that these surcharge monies be earmarked for sewer projects in Fort Wayne and Allen County because funds are needed to meet federal matching funds for such sewer projects.
4. Mercury, lead, arsenic should be included in the list of prohibited wastes. Also DDT, ALDRIN, DIELDRIN, ENDRIN, HEPTACHLOR, TOXAPHENE, LINDANE AND CHLORODANE SHOULD BE included as prohibited wastes.

Copy to:
Frank A. Webster, President
Fort Wayne Chapter, IWL A

Ethyle R. Bloch
Mrs. Ethyle R. Bloch, Chm
Clean Waters Committee
Fort Wayne Chapter, IWL A

January 28, 1971

Remarks and questions in reference to the proposed revision of Chapter 26, Fort Wayne Municipal Code at the Hearing held on January 26, 1971

I object to the limitation that tap permits be "issued only to licensed sewer tap contractors". These contractors charge home owners double or more for such tap permits. The home owner should be permitted to apply himself and secure a tap permit, provided he agrees to have the tap made by a licensed sewer tap contractor.

What is a "normal six inch service"?

What is a "Special six inch service"?

Why should a normal six inch service tap permit cost only ten dollars and a special six inch service tap permit cost twenty dollars?
(Art II, Sec. 202)

Art VI, Sec 604 - Reduction of summer sprinkling period from "May to October to four billing periods after June 14":

I object to this charge for sprinkling water in May and October. This change should be stricken in lieu of leaving the summer sprinkling period as it now is. We should not have to pay a sewage charge for water used on the lawn.

I further object to the bureaucratic requirement that a residential water customer be required "upon his written request" to ask for the summer sprinkling charge. It is a totally unnecessary, time consuming, paper wasting requirement.

Ethyle R. Bloch
Mrs. Ethyle R. Bloch
6340 Donna Drive
Fort Wayne, Ind. 46809
Citizen

Pursuant to the provision and

I hereby certify that the foregoing is correct, and that no part of the

Date March 15, 19

Legals

Notice is hereby given that on the 22nd day of February, 1971, the Common Council of the City of Fort Wayne, Indiana, did pass the following General Ordinances:

Article I—General Provisions
Article II—Definitions
Article III—Sanitation
Article IV—General Provisions
Article V—Admissible Industrial Wastes
Article VI—Control of Airborne Pollutants
Article VII—Service Charges Based on Volume
Article VIII—Service Charges
Article IX—Out-of-City Surcharge
Article X—Billing of Service Charges
Article XI—Validity
Article XII—Effective Dates

GENERAL ORDINANCE NO. 10-373

(Sewers and Sewerage System of the City of Fort Wayne, Indiana, 1968, as amended, and the Sewerage System of the City of Fort Wayne, Indiana, 1968, as amended, is hereby revised and amended by the following:

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE I—GENERAL PROVISIONS

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE II—DEFINITIONS

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE III—SANITATION

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE IV—GENERAL PROVISIONS

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE V—ADMISSIBLE INDUSTRIAL WASTES

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE VI—CONTROL OF AIRBORNE POLLUTANTS

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE VII—SERVICE CHARGES BASED ON VOLUME

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE VIII—SERVICE CHARGES

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE IX—OUT-OF-CITY SURCHARGE

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE X—BILLING OF SERVICE CHARGES

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE XI—VALIDITY

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

ARTICLE XII—EFFECTIVE DATES

SECTION 1. That Chapter 26 (Sewers and Sewerage System) of the Fort Wayne Code, as amended, is hereby revised and amended by the following:

121. "Standard Methods" shall mean the standard methods for the determination of water quality as published by the American Public Health Association, Inc., 1918, 1925, 1935, 1945, 1955, 1965, 1970, 1975, 1980, 1985, 1990, 1995, 2000, 2005, 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2070, 2075, 2080, 2085, 2090, 2095, 2100, 2105, 2110, 2115, 2120, 2125, 2130, 2135, 2140, 2145, 2150, 2155, 2160, 2165, 2170, 2175, 2180, 2185, 2190, 2195, 2200, 2205, 2210, 2215, 2220, 2225, 2230, 2235, 2240, 2245, 2250, 2255, 2260, 2265, 2270, 2275, 2280, 2285, 2290, 2295, 2300, 2305, 2310, 2315, 2320, 2325, 2330, 2335, 2340, 2345, 2350, 2355, 2360, 2365, 2370, 2375, 2380, 2385, 2390, 2395, 2400, 2405, 2410, 2415, 2420, 2425, 2430, 2435, 2440, 2445, 2450, 2455, 2460, 2465, 2470, 2475, 2480, 2485, 2490, 2495, 2500, 2505, 2510, 2515, 2520, 2525, 2530, 2535, 2540, 2545, 2550, 2555, 2560, 2565, 2570, 2575, 2580, 2585, 2590, 2595, 2600, 2605, 2610, 2615, 2620, 2625, 2630, 2635, 2640, 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Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENTINEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head	number of lines	—
Body	number of lines	1083
Tail	number of lines	1
Total number of lines in notice		1084

COMPUTATION OF CHARGES

1084 lines.....columns wide equals.....equivalent lines at .288¢
cents per line \$ 312.19

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM \$ 312.19

DATA FOR COMPUTING COST

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Size of type, 5 $\frac{1}{2}$ point

Number of insertions 2

Size of quad upon which type is cast 5 $\frac{1}{2}$

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

A. M. Hostman
Title.....Clerk.....

NOTARY AFFIDAVIT
I, the undersigned, a Notary Public in and for said county and state, the undersigned, A. M. Hostman, who, being duly sworn, says that she is Clerk of the NEWS-SENTINEL

a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA, in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 2 time 8, the dates of publication being as follows:

March 5, 1971

March 12, 1971

Subscribed and sworn to before me this 15th day of March 19 71

Edith Stapleton
Notary Public
My commission expires March 8, 1974



Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Amelia De Kald

CLERK

Date **March 15,** 19 **71**

Title

10A Fort Wayne Journal-Gazette Fri, March 12, 1971

Legal Notices

Notice is hereby given that on the 23rd day of February, 1971, the City of Fort Wayne, Indiana, in a Regular Session, did pass the following resolution:

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Article LXXXXXXX XXXX XXXX—Repealer

Article LXXXXXXX XXXX XXXX—Effective Date

Article LXXXXXXX XXXX XXXX—Severability

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Article LXXXXXXX XXXX XXXX—Approval

Article LXXXX

Form Prescribed by State Board of Accounts

Common Council-City of Ft. Wayne
(Governmental Unit)

County, Ind.

PUBLISHER'S CLAIM

FORT WAYNE, INDIANA

To JOURNAL-GAZETTE

General Form No. 99 P (Rev. 1967)

LINE COUNT
Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTION OF CHARGES

1084 lines columns wide equals equivalent lines at 2884

cents per line

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

DATA FOR COMPUTING COST

Width of single column 11 ems

Number of insertions 2

Size of quad upon which type is cast 58

Size of type 58 point

Pursuant to the provision and penalties of Ch. 89, Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

CLERK

Title

AFFIDAVIT

Personally appeared before me, a notary public in and for said county and state, the

ARVILLA DEMALO

undersigned

CLERK

that she is

JOURNAL-GAZETTE

newspaper of general circulation printed and published

in the English language in the city of FORT WAYNE, INDIANA

which was duly published in said paper for time the date of publication being

March 5, 1977

March 12, 1977

15th day of

March 8, 1977

Notary Public

My commission expires

VAUNITY LEADS
HER TO DE
LAS VEGAS
The Las Vegas
Shooting Range
has been the scene
of a shooting
contest between
two teams of
shooters. The
contest was held
on the range
which was
opened in 1967.
The contest was
held on the
range which was
opened in 1967.
The contest was
held on the
range which was
opened in 1967.

Date March 15, 1977

Form Prescribed by State Board of Accounts

General Form No. 99 P (Rev. 1967)

Common Council-City of Ft. Wayne
(Governmental Unit)

To.....NEWS-SENT INEL.....Dr.

Allen.....County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) — number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

4

1019

7

1024

COMPUTATION OF CHARGES

1024 lines.....columns wide equals.....equivalent lines at 192¢
cents per line

\$ 196.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 196.61

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5½ point

Number of insertions 1

Size of quad upon which type is cast 5½

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Date January 14, 1971

Title Clerk

A. M. Hostman

Notary Public

PERSONALLY appeared before me, a notary public in and for said county and state, the undersigned A. M. Hostman who, being duly sworn, says that She is Clerk of the NEWS-SENT INEL DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for 1 time, the dates of publication being as follows: January 9, 1971

Subscribed and sworn to before me this 14th day of January 19 71

A. M. Hostman
Notary Public

My commission expires March 8, 1974

Carol

1702 FAIRFIRE
ALL-IN HR.
REPAIR
TIMATES.
DISCOUNT
REPAIRS 743
10-000
A
Repair and
ELECTRIC
repairs, timates.
RESIDENTIAL

13 Business
LICENSED EMPLOYMENT AGENCY
SUIE
WYNNOLVAREINI S
needed. Call 233-2277.
Living and dining room.
to \$537

ask for Carol
Your Own Classified Girl
13 Bn
ARCOS SERVICE
excellent inns.
repair service.
Two Country Gro.
living quarters.
DELBERT GR
Phone 441-14
ARE YOU A
Are you chained to a
dull job do hrs. every
people control everything
your work place good
lapses want a change

Call 744

Common Council-City of Ft. Wayne
(Governmental Unit)

To JOURNAL-GAZETTE Dr.

County, Ind.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set)
— number of equivalent lines

Head number of lines

Body number of lines

Tail number of lines

Total number of lines in notice

COMPUTATION OF CHARGES

1024 lines, columns wide equals equivalent lines at 1924
cents per line

\$ 196.61

Additional charge for notices containing rule or tabular work (50 per cent of above amount)

Charge for extra proofs of publication (50 cents for each proof in excess of two)

TOTAL AMOUNT OF CLAIM

\$ 296.61

DATA FOR COMPUTING COST

Width of single column 11 ems

Size of type 5 1/2 point

Number of insertions 1

Size of quad upon which type is cast 5 1/2

Pursuant to the provision and penalties of Ch. 89, Acts 1967,

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

Arvilla Dewald
Title CLERK

Date January 14, 1971

NOTARY'S AFFIDAVIT

I, Arvilla Dewald, County of Fort Wayne, Indiana, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

I, Arvilla Dewald, County of Fort Wayne, Indiana, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

I, Arvilla Dewald, County of Fort Wayne, Indiana, do hereby certify that the foregoing is a true and correct copy of the original as the same appears to me.

January 9, 1971

Subscribed and sworn to before me this 14th day of January 1971

Notary Public

My commission expires March 8, 1974